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W.P.No.2682 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 5/3/2025

C O R A M

The Hon'ble **Ms.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.2682 of 2023

N. Mohamed Elias

...

Petitioner

Vs

1. The State of Tamil Nadu
rep. By the Principal Secretary to Government
Public Works Department
Fort St. George
Chennai 600 009.
2. The Chief Engineer
Public Works Department
Water Resources Organisation
Chennai Region
Chepauk
Chennai 600 005.
3. The Superintending Engineer
Public Works Department
Water Resources Organisation
Plan Formulation Circle
Vellore
Vellore District 632 006.



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4. The Executive Engineer
Water Resources Department
Upper Palar Basin Division
Vellore
Vellore District 632 006.

5. The Assistant Engineer
Water Resources Department
Upper Palar Basin Division
Vellore
Vellore District 632 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records on the file of the fourth respondent pursuant to his proceedings vide letter No.2208/2022/Kho.1/C1 and quash the impugned order dated 7/9/2022 as illegal and further for a direction to regularise/appoint the petitioner in the permanent post of Helper/Office Assistant at Ranipet Sub-Division under the fifth respondent Office in view of the petitioner's representation dated 13/9/2022.

For petitioner ...

Ms.Karthikaa Ashok

For respondents ...

Mrs.C.Meera Arumugam
Additional Government Pleader

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ORDER

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This writ petition has been filed to quash the order dated 7/9/2022 passed by the fourth respondent in Letter No.2208/2022/Kho.1/C1 and consequently, direct to regularise/appoint the petitioner in the permanent post of Helper/Office Assistant at Ranipet Sub-Division in the fifth respondent Office in view of the petitioner's representation dated 13/9/2022.

2. Brief facts which are necessary for the disposal of this writ petition are as follows:-

The petitioner was absorbed as Helper on daily wage basis in the fifth respondent office at Ranipet Sub-Division on 1/6/1998. Even though he is a handicapped person with Permanent Disability in his limbs, he had completed 10 years of service as on 31/5/2008. For administrative reasons, the respondents gave a short break to the petitioner, but they have not engaged the petitioner again. Hence, the petitioner made a representation to the fourth respondent. Vide, impugned order, dated 7/9/2022, fourth respondent had rejected the request of the petitioner. Hence, the petitioner



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has come forward with the instant writ petition praying for the relief as stated therein.

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3. The Executive Engineer, WRD, Upper Palar Basin Division, Vellore, has filed a counter affidavit, wherein it is stated that the writ petitioner had sent a representation dated 9/6/2022 to the second respondent, requesting to regularise his service on completion of ten years of service and appoint him in a permanent post. The second respondent had forwarded the same to the fourth respondent. After verification of Muster Roll, fourth respondent found that the petitioner had never worked under the fifth respondent as a Nominal Muster Roll and there was no proof to show that he had rendered his service in the fifth respondent office.

4. By way of additional counter affidavit, it is stated that the petitioner's father's name is Noorullakhan, as per the sworn in affidavit filed by the writ petitioner. Letter dated 22/2/2008 addressed to the second respondent by the then Superintending Engineer, W.R.D., Project Circle, Vellore, consisting the list of 24 labourers for bringing them into regular establishment. In the said list, in S.No.2, name of the labourer has been



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mentioned as N.Mohammed Eliyas, S/o.Noorjahan as against Noorullakhan.

Hence, the petitioner would have misused the name of one N.Mohammed Eliyas and that there is unshakable evidence to prove that S.No.2 in the list sent to the Chief Engineer by the Superintending Engineer is not the petitioner.

5. Heard Ms.Karthikaa Ashok, learned counsel for the petitioner and Mrs.C.Meera Arumugam, learned Additional Government Pleader for the respondents.

6. The learned counsel appearing for the petitioner would submit that third respondent has recommended for the regularisation of service of the petitioner, vide, letter dated 22/2/2008. Though father's name is wrongly printed, other details, viz., Date of Birth, Community, etc., are correctly mentioned.

7. The learned Additional Government Pleader appearing for the respondents would submit that there are no records to show that the



petitioner was ever engaged under the Assistant Executive Engineer,
W.R.D., Upper Palar Basin Sub-Division, Ranipet Office.

8. Perused the materials available on record.

9. It is to be pointed out that in respect of regularisation of the casual labourers in different departments, no Subordinate Officers have the authority to accept the recommendation. If at all the petitioner's name was not included in the Government approval, upon scrutiny of records pertaining to the individual by the Screening Committee of Officers in the Department and brought to the knowledge of the Government, then the Government has the power to bring the daily wage workers under a minimum scale of pay.

10. Even though, the petitioner had worked on daily basis for many years, he had not completed ten years of service and not continued as a daily wage labourer as on date, and in view of the records and also the conditions stipulated in G.O.Ms.No.233 dated 6/12/2019, the name of the petitioner has not been included in the list of workers for regularisation. In view of



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the above position, this Court finds no infirmity or illegality in the order passed by the fourth respondent and the writ petition is devoid of merits and it is liable to be dismissed.

11. In the result, this writ petition is dismissed. No costs.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

To

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